

Sign Amendments Addressing Constitutional Issues



Issue

Recent court decisions have emphasized the need for “content neutral” sign codes

Regulatory frameworks built on distinguishing types of signs by their content (real estate, directional, political, etc.) are subject to strict scrutiny

Norfolk currently regulates some signage—primarily temporary—by content categories

The series of amendments address that issue



Goals

Amend to reflect recent U.S. Supreme Court and other court rulings centered on Constitutionality of sign regulations

- Signs are not permitted to be regulated based on the content of the sign

Since sign code is being completely rewritten, make more user-friendly

- Use of tables and graphics instead of text
- Reorganized to make flow more logical



Permanent Signs

Permanent sign regulations have been “translated” to content-neutral descriptions

All signs currently permitted will remain permitted

- Directional signs are now referred to as “ground signs”
- Names of signs have been adjusted to ensure content neutrality

All currently prohibited signs will remain prohibited

No changes to Outdoor Advertising Signs (billboards)

Temporary Signs

Temporary signs have been condensed to be more content-neutral

- Temporary sign names have been consolidated
- Overall allotment of temporary signs has stayed close to the current allocation



Flags of Nations v. Flag Signs

Old terminology	New terminology
N/A	Flag signs



Not a sign



Temporary Signs – Residential

Old terminology	New terminology
Garage or yard sale sign New Project sign Political sign Real estate sign Home security sign	Yard Sign



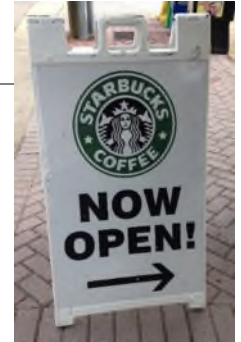
Paid for by the committee to elect to candidate

Temporary Signs – Residential

Old allotment		New allotment	
Political sign	8 square feet	Yard sign	Maximum area (total of all signs): 24 square feet (16 square feet in HC-districts)
Real estate sign	8 square feet		Maximum area (individual sign): 12 square feet (8 square feet in HC-districts)
Garage or Yard sale sign	6 square feet		Maximum number: No limit
Other temporary sign	8 square feet		

Temporary Signs—A-frame

Currently only allowed in public right-of-way—
this will also allow on private property



Permitted in non-residential districts

- Limited to one per business
- Must be removed daily and during severe weather
- Must be located on private property within 10 feet of a pedestrian entrance
- Size of A-frame sign is limited to four (4) feet in height and no more than six (6) square feet



Recommendation

City Attorney and City Planning staff recommend approval

Planning Commission recommends **Approval** by 7-0 vote